

**LAWS OF BRUNEI**

**CHAPTER 216**  
**POLITEKNIK BRUNEI**

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**CHAPTER 216**

**POLITEKNIK BRUNEI**

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## POLITEKNIK BRUNEI ACT

**An Act to establish the Politeknik Brunei and for other purposes relating thereto or connected therewith**

*Commencement: 9th September 2014*

### **Citation**

1. This Act may be cited as the Politeknik Brunei Act.

### **Interpretation**

2. In this Act, unless the context otherwise requires —

“Board” means the Board of Governors of the Politeknik Brunei constituted in accordance with the Constitution;

“Constitution” means Constitution of the Politeknik Brunei set out in Schedule 1;

“Minister” means the Minister of Education;

“Politeknik Brunei” means the Politeknik Brunei established under section 3;

“Senate” means the Senate of Politeknik Brunei constituted in accordance with the Constitution.

### **Establishment of Politeknik Brunei**

3. There is hereby established a polytechnic to be known as the Politeknik Brunei which shall be a body corporate with perpetual succession and a common seal and shall by that name be capable of —

(a) suing and being sued;

(b) acquiring, owning, holding and developing of property, both movable and immovable; and

(c) doing and suffering all such other acts or things as bodies corporate may lawfully do or suffer.

**Common seal**

4. (1) The Politeknik Brunei shall have a common seal and such seal may be broken, changed, altered and made anew as the Politeknik Brunei thinks fit.

(2) All deeds, documents and other instruments requiring the seal of the Politeknik Brunei shall be sealed with the common seal of the Politeknik Brunei.

(3) Every instrument to which the common seal is affixed shall be signed by a member and shall be countersigned by the Director or by some other person duly authorised by the Board for that purpose, and such signing shall be sufficient evidence that the seal was duly and properly affixed and that the seal is the lawful seal of the Politeknik Brunei.

**Objects and powers of Politeknik Brunei**

5. (1) The objects of the Politeknik Brunei are —

(a) to provide instruction and training in engineering, technology, sciences, commerce and other subjects of learning;

(b) to aid by research and other means the advancement of knowledge and its practical application; and

(c) to promote the exchange of knowledge and skills with business and industry.

(2) The Politeknik Brunei may —

(a) provide such facilities for its students as it considers desirable;

(b) institute lectureship and other posts and offices and make appointments thereto and employ such other staff as the Politeknik Brunei considers necessary;

(c) fix, demand and receive fees and other charges;

(d) provide technical and consultancy services to business and industry as it considers desirable;

(e) form or participate in the formation of companies having such objects as may be approved by the Board;

(f) solicit and receive donations and contributions from any source or raise funds by all lawful means;

(g) give donations and contributions to any person or organisation; and

(h) do all such things as may be necessary, incidental or conducive to the attainments of all or any of its objects.

### **Board of Governors and Senate of Politeknik Brunei**

6. (1) The constitutions, functions, powers and duties of the Board and Senate shall be prescribed by this Act and the Constitution.

(2) The Board shall, subject to the provisions of this Act and the Constitution, be the supreme governing body of the Politeknik Brunei and shall administer the property and manage the affairs of the Politeknik Brunei.

(3) Subject to the provisions of this Act and the Constitution and to the financial control of the Board, the Senate shall have the regulation of all matters relating to education in the Politeknik Brunei.

(4) No act or resolution of the Board or the Senate shall be invalid by reason only of any vacancy in, or any defect in the qualification or appointment of any member of, any such body.

### **Protection from personal liability**

7. No suit or other legal proceedings shall lie against any member or any employee of the Politeknik Brunei or other person acting under the direction of the Politeknik Brunei for anything which is in good faith done or intended to be done in the execution or purported execution of this Act.

### **Public servants**

8. All members and employees of the Politeknik Brunei are deemed to be public servants within the meaning of the Penal Code (Chapter 22).

**Schools of Politeknik Brunei**

9. (1) There shall be a School of Business, a School of Information Communication and Technology, a School of Science and Engineering and such other schools as may be constituted by the Board on recommendation of the Senate.

(2) There shall be a Head of each School with such powers as may be conferred by the Board.

(3) The Board may, on the recommendation of the Senate, form, dissolve or reform such schools and any department, centre, unit and other sub-divisions of any school as it may consider desirable.

**Committees and delegation of powers**

10. (1) The Board, the Senate and the Director may establish such committees as they think fit.

(2) Unless otherwise expressly provided, any committee may consist partly of persons who are not members of the Board or the Senate or officers of the Politeknik Brunei, as the case may be.

(3) Subject to the provisions of this Act and the Constitution, the Board, the Senate and the Director may, with or without restrictions and conditions as they think fit, delegate any of their powers and duties to any committee.

**Officers and academic staff**

11. (1) The Director, the Deputy Director, the Assistant Director and the Registrar and other officers of the Politeknik Brunei shall be appointed by the Board in accordance with the Constitution.

(2) The academic staff of the Politeknik Brunei shall be the Heads of the Schools, lecturers and such other persons as may be designated as members of the academic staff by the Constitution and shall be appointed by the Board on the recommendation of the Director.

(3) The powers and duties of the officers and members of the academic staff, the periods and conditions for and upon which they hold office and their emoluments shall be such as are prescribed by this Act, the Constitution and the terms of their respective appointments; but the Board



may assign to any officer, and in the case of any member of the academic staff on the recommendation of the Director, such further power and duties as the Board may think fit.

### **Constitution of Politeknik Brunei**

12. (1) Subject to the provisions of this Act, the Politeknik Brunei shall be governed by the provisions of the Constitution set out in Schedule 1.

(2) The Minister may, after consulting the Board, amend the Constitution by order published in the *Gazette*.

(3) Regulations made under the Constitution is not deemed to be subsidiary legislation.

### **Examinations**

13. All examinations held by the Politeknik Brunei shall be conducted in such manner as may be prescribed by the Constitution and any regulations made thereunder.

### **Power to confer diplomas and certificates etc.**

14. The Politeknik Brunei shall have power to award diplomas and certificates and such other academic distinctions as may be specified in regulations made under the Constitution.

### **Grants-in-aid**

15. (1) The Minister of Finance shall cause to be paid to the Politeknik Brunei such moneys as may be approved by the Government from time to time as grants-in-aid to the Politeknik Brunei.

(2) All moneys paid to the Politeknik Brunei under subsection (1) shall be applied or expended by the Politeknik Brunei for all or any of the purposes of the Politeknik Brunei.

### **Power of investment**

16. Subject to any general or special directions as the Minister may issue, the Politeknik Brunei may —

(a) invest its moneys in such manner as it thinks fit; and

(b) engage in any financial activity or participate in any financial arrangement for the purpose of managing or hedging against any financial risk that arises or is likely to arise from such investment.

### **Accounts and financial statements**

17. (1) The Politeknik Brunei shall keep proper accounts and records of its transactions and affairs and shall do all things necessary to ensure that all payments out of its moneys are correctly made and properly authorised and that adequate control is maintained over the assets of, or in the custody of, the Politeknik Brunei and over the expenditure incurred by it.

(2) The Board shall, as soon as practicable after the close of each financial year, cause financial statements in respect of that year to be prepared and submitted to the auditor of the Politeknik Brunei.

### **Audit**

18. (1) The accounts and financial statements of the Politeknik Brunei shall be audited annually by —

(a) the Auditor General; or

(b) any person who has been authorised to perform the duties required by the Companies Act (Chapter 39) to be performed by an auditor, who shall be appointed annually by the Board:

Provided that where the accounts of the Politeknik Brunei have been audited by a person appointed under sub-paragraph (b), they may be verified by the Auditor General before they are presented to the Minister of Finance pursuant to section 20(1).

(2) The auditor shall in his report state —

(a) whether the financial statements show fairly the financial transactions and the state of affairs of the Politeknik Brunei;

(b) whether proper accounting and other records have been kept, including records of all assets of the Politeknik Brunei whether purchased, donated or otherwise;

(c) whether receipts, expenditure and investment of moneys and the acquisition and disposal of assets by the Politeknik Brunei during

the financial year were in accordance with the provisions of this Act; and

(d) such other matter arising from the audit as he considers necessary.

### **Powers of auditor**

19. (1) The auditor or any person authorised by him shall be entitled at all reasonable time to full and free access to all accounting and other records relating, directly or indirectly, to the financial transactions of the Politeknik Brunei.

(2) The auditor or a person authorised by him may make copies of, or make extracts from, any such accounting and other records.

(3) The auditor or any person authorised by him may require any person to furnish him with such information which that person possesses or has access to as the auditor or any duly authorised person considers necessary for the purposes of the functions of the auditor under this Act.

(4) Any person who refuses or fails without any reasonable cause to allow the auditor access to any accounting and other records of the Politeknik Brunei in his custody or power or to give any information possessed by him as and when required or who otherwise hinders, obstructs or delays the auditor in the performance of his duties or the exercise of his powers under this Act is guilty of an offence and liable on conviction to a fine not exceeding \$1,000 and, in the case of a continuing offence, to a further fine not exceeding \$100 for every day or part thereof during which the offence continues after conviction.

### **Presentation of financial statements and audit reports**

20. (1) As soon as the accounts of the Politeknik Brunei and the financial statements have been audited in accordance with this Act, a copy of the audited accounts and financial statements signed by the Chairman, together with a copy of the report made by the auditor, shall be presented to the Minister of Finance.

(2) Where the Auditor General is not appointed to be the auditor, a copy of the audited financial statements and any report made by the auditor shall be forwarded to the Auditor General at the same time as they are submitted to the Board.

(3) The Minister shall cause a copy of the audited financial statements and of the auditor's report to be presented to His Majesty the Sultan and Yang Di-Pertuan.

### **Annual report**

21. The Politeknik Brunei shall, as soon as practicable after the end of each financial year, submit to the Minister an annual report on the activities of the Politeknik Brunei during the preceding financial year, and the Minister shall cause a copy of every such annual report to be presented to His Majesty the Sultan and Yang Di-Pertuan.

### **Acquisition of land for purposes of Politeknik Brunei**

22. (1) Where any immovable property, not being State land, is needed for the purposes of the Politeknik Brunei, His Majesty the Sultan and Yang Di-Pertuan may direct the acquisition of such property, and in such a case such property may be acquired in accordance with the provisions of any written law relating to the acquisition of land for a public purpose and any declaration required under any such written law that such property is so needed may be made notwithstanding that compensation is to be paid out of the funds of the Politeknik Brunei, and such declaration shall have effect as if it were a declaration that such land is needed for a public purpose made in accordance with such written law.

(2) Expenses and compensation in respect of any immovable property acquired under subsection (1) shall be paid by the Politeknik Brunei or from funds to be provided by the Government to the Politeknik Brunei for such purpose.

(3) All State land granted or immovable property acquired under this section shall vest in the Politeknik Brunei, and an entry to that effect in the appropriate register shall be made by the relevant registering authority.

### **Application of Chapter 203 to student association etc.**

23. (1) Notwithstanding anything to the contrary in the Societies Act (Chapter 203), the provisions of that Act shall have effect in relation to the Politeknik Brunei student's association and its constituent bodies.

(2) The Minister of Home Affairs may, by order published in the *Gazette*, exempt the Politeknik Brunei students' association and any of its

constituent bodies from all or any of the provisions of the Societies Act (Chapter 203) subject to such conditions as may be specified in this Act.

### **Transfer of property and staff to Politeknik Brunei**

24. The provisions of Schedule 2 shall have effect for the purpose of the transfer to the Politeknik Brunei of property and employees of the Government and for other transitional purposes specified in that Schedule.

### **Exemption of stamp duty**

25. His Majesty the Sultan and Yang Di-Pertuan may by order exempt from the provisions of section 3 of the Stamp Act (Chapter 34) any instrument executed by the Board on behalf of the Politeknik Brunei.

**SCHEDULE 1**

(section 2)

## CONSTITUTION OF POLITEKNIK BRUNEI

## PART 1

## PRELIMINARY

**Citation**

1. This Constitution may be cited as the Constitution of Politeknik Brunei.

**Interpretation**

2. In this Constitution, unless the context otherwise requires —

“Assistant Director” means any Assistant Director appointed under paragraph 3(5)(b);

“Board” means the Board of Governors constituted in accordance with paragraph 6;

“Chairman” means the Chairman of the Board of Governors appointed in paragraph 6(1)(a);

“Convocation” means a Convocation held in accordance with paragraph 23(1);

“Deputy Director” means the Deputy Director of Politeknik Brunei appointed under paragraph 3(5)(a);

“Director” means the Director of Politeknik Brunei appointed under paragraph 3(1);

“Registrar” means the Registrar of Politeknik Brunei referred to in paragraph 4;

“School” means the School of Business, the School of Information Communication and Technology, the School of Science and Engineering and such other schools as may be constituted by the Board on recommendation of the Senate;

“Senate” means the Senate of Politeknik Brunei constituted in accordance with paragraph 12;

“Students’ Association” means the Politeknik Brunei Students’ Association constituted in accordance with paragraph 22;

“teacher” means a person appointed to be a teacher by the Board in accordance with this Constitution, and includes a professor, associate professor, senior lecturer or assistant lecturer.

## PART 2

## OFFICERS OF POLITEKNIK BRUNEI

**Appointment, powers and duties of Director, Deputy Director etc.**

3. (1) The Minister shall, with the approval of His Majesty the Sultan and Yang Di-Pertuan, appoint a Director of Politeknik Brunei on such terms and conditions as the Minister may determine.

(2) The Director shall be the chief executive and academic officer of the Politeknik Brunei and shall be responsible to the Board —

(a) for the proper administration and academic management of the Politeknik Brunei in accordance with the policies determined by the Board;

(b) for the proper enforcement of regulations made under this Constitution;  
and

(c) for the welfare and discipline of the staff and students of the Politeknik Brunei.

(3) For the purpose of giving effect to sub-paragraph (2), the Director shall have such powers as are necessary or proper for that purpose.

(4) The Director shall be entitled to be present and speak at any meeting of any committee of the Politeknik Brunei, but shall not be entitled to vote at the meeting unless he is a member thereof.

(5) The Board shall, with the approval of the Minister, appoint —

(a) a Deputy Director;

(b) one or more Assistant Directors,

on such terms and conditions as may be determined by the Board and shall perform such duties as may be assigned to him by the Director or by the Board if the Director is unable to assign.

**Registrar**

4. (1) There shall be a Registrar of Politeknik Brunei who shall be appointed by the Board upon such terms and conditions as it may determine.

(2) The Registrar shall —

- (a) be the secretary of the Board;
- (b) attend all meetings of the Board unless excused by the Chairman;
- (c) maintain proper records of the meetings; and
- (d) carry out such other duties as may be assigned to him by the Board.

(3) In the absence of the Registrar, the Chairman may appoint a suitable person to act as secretary for a particular meeting.

(4) The Registrar shall not, unless he is a member of the Board appointed to serve in that capacity, be entitled to vote on any question before the Board.

**Other officer**

5. The Board may appoint such other officers as it may think necessary.

## PART 3

## BOARD OF GOVERNORS AND SENATE

**Board of Governors**

6. (1) There shall be a Board of Governors which shall consist of the following members —

- (a) a Chairman;
- (b) a Deputy Chairman;
- (c) the Director; and
- (d) such number of other members, not being less than nine or more than eighteen, representing the public and private services.



(2) The members of the Board, except the Director, shall be appointed by the Minister, with the approval of His Majesty the Sultan and Yang Di-Pertuan for a period of 3 years and shall be eligible for reappointment.

### **Powers of Board**

7. (1) The Board shall administer the affairs of the Politeknik Brunei other than those vested by the Act or this Constitution in some other authority of the Politeknik Brunei or in an officer.

(2) Without prejudice to the generality of sub-paragraph (1), the Board shall, subject to the provisions of the Act and this Constitution, have power —

(a) to administer and manage the finances, accounts, investments, property, business, and all affairs whatsoever of the Politeknik, and for that purpose to appoint bankers, counsels, solicitors and such officers or agents as it may be expedient to appoint;

(b) to appoint officers, teachers and other employees and to determine their duties and to fix their remuneration and the terms and conditions of their appointments;

(c) to provide the buildings, premises, furniture, apparatus and other means needed for the Politeknik Brunei;

(d) to enter into, vary, carry out and cancel contracts on behalf of the Politeknik Brunei;

(e) to sell, purchase, lease, exchange or otherwise alienate or dispose of any property on behalf of the Politeknik Brunei;

(f) in consultation with the Senate, to review the instruction and teaching at the Politeknik Brunei;

(g) to co-operate with other learning institution and authorities for the regulation and conduct of examinations, for the examination and inspection of schools and other academic institutions, for the extension of Politeknik Brunei teaching and for other purposes;

(h) to propose to the Minister additions to, or the amendment or repeal of any of the provisions of, this Constitution;

(i) to prescribe fees;

(j) to delegate any of its powers to any members of the Board or to any committee thereof or to any officer, teachers or other employee of the Politeknik Brunei;

(k) to appoint committees for any office to which the Board may appoint;

(l) to publish books and other matters on behalf of the Politeknik Brunei;  
and

(m) to do all such other acts and things as may be requisite to give effect to the powers conferred on the Board by the Act or this Constitution.

(3) The Board may by regulations provide for any of the following matters or for any of the following purposes —

(a) the administration of the affairs of the Politeknik Brunei;

(b) the appointment, promotion, conduct, disciplinary control, dismissal and termination of service of the officers, teachers and other employees of the Politeknik Brunei;

(c) the welfare, discipline, suspension and expulsion of the students of the Politeknik Brunei;

(d) the forms of contracts;

(e) the publications of the Politeknik Brunei;

(f) fees;

(g) the prescribing of anything which is by the Act or by this Constitution to be prescribed by regulations made by the Board; and

(h) generally all matters which by the Act or by this Constitution the Board is empowered to regulate.

(4) All such regulations shall come into operation on the day on which they are made unless otherwise provided by the Board.

#### **Allowances payable to members**

8. There shall be paid to the members out of the funds of the Politeknik Brunei such allowances as the Minister may determine.

**Vacation of office**

9. (1) The Minister may revoke the appointment of a member of the Board, except that of the Director, if the member becomes in the opinion of the Minister unfit to continue in office or incapable of performing his duties.

—(2) A member of the Board, except the Director, may resign from his appointment by giving written notice to the Minister.

**Filling of vacancy in office of member of Board**

10. If the office of a member of the Board, other than that of the Director, is vacant, the Minister may appoint any person to fill the vacancy and the person shall be appointed for the remainder of the term of his predecessor.

**Meetings of Board**

11. (1) The Chairman shall summon meetings as often as may be required.

(2) At every meeting of the Board, one-third of the number of members shall constitute a *quorum*.

(3) Decisions at meetings of the Board shall be adopted by a simple majority of the votes of the members present and voting, except that in the case of an equality of votes, the Chairman or in his absence, the Deputy Chairman shall have a casting vote.

(4) The Chairman or in his absence, the Deputy Chairman shall preside at meetings of the Board.

(5) The Board shall not be precluded from holding a meeting or acting in any matter merely by reason of any vacancy in its membership.

(6) Subject to the provisions of the Act, the Board may regulate its own procedure.

**Senate of Politeknik Brunei**

12. (1) There shall be a Senate of Politeknik Brunei which shall consist of—

(a) the Director, who shall be the Chairman of the Senate;

(b) the Deputy Director;

(c) Assistant Directors;

(d) the Registrar;

(e) heads of schools; and

(f) such number of officers of the Politeknik Brunei to be appointed by the Board.

(2) The Senate shall meet at least twice in every academic year and such other times as may be necessary.

(3) The *quorum* at every meeting of the Senate shall be one-quarter of the total number of members of the Senate.

(4) The Chairman of the Senate shall be empowered to require any officer, teacher or other employees of the Politeknik Brunei to attend a meeting of the Senate.

(5) The Registrar shall be secretary to the Senate.

### **Powers of Senate**

**13.** Subject to the provisions of the Act and this Constitution and to the availability of funds provided by the Board, the Senate shall have power —

(a) to provide courses of study for the diplomas, certificates and other awards by the Politeknik Brunei and such other courses of study as may be thought desirable;

(b) to direct and regulate instruction and education in the Politeknik Brunei;

(c) to stimulate the advancement of knowledge by research and publications;

(d) to direct the manner in which examinations may be conducted;

(e) to determine what examinations and courses of study in other places of learning institution is deemed equivalent to examinations and courses of study in the Politeknik Brunei;

(f) to advise the Board on the provision of facilities for educational and other academic matters;

(g) to decide in accordance with this Constitution and regulations, students who are qualified for the award of diplomas, certificates and other marks of distinction;

(h) to organise the schools;

(i) to fix the time, mode and conditions of competition for, and to award fellowships, scholarships and other educational endowments and prizes in accordance with the terms thereof;

(j) to require any students on academic grounds to terminate his studies at the Politeknik Brunei;

(k) to provide lectures and courses of study for persons who are not students of the Politeknik Brunei;

(l) to advise the Board on any matter which may be referred to the Senate by the Board;

(m) to delegate any of its powers to any member of the Senate or any committee thereof or to any officer or teacher of the Politeknik Brunei; and

(n) to do all such other acts and things as may be requisite to give effect to the powers conferred on the Senate by the Act and this Constitution.

#### **Regulations made by Senate**

**14.** (1) The Senate may by regulations provide for any of the following matters or for any of the following purposes —

(a) the admission and registration of students;

(b) the conditions for the award of diplomas, certificates and other marks of distinction;

(c) courses of study and examinations;

(d) academic dress;

(e) the award of scholarships and other educational endowments and prizes;

(f) the conduct of examinations;

(g) the prescribing of anything which is by the Act or this Constitution to be prescribed by regulations made by the Senate;

(h) the prescribing of conditions under which officers and students may be exempted from the provisions of any regulations made by the Senate; and

(i) generally all matters which by the Act or this Constitution, the Senate is empowered to regulate.

(2) All such regulations shall be reported to the Board and shall come into operation not earlier than one semester after the day on which they are made, unless otherwise approved by the Board.

#### PART 4

#### EXAMINATIONS

##### **Examinations**

15. (1) Examinations for diplomas, certificates and other awards shall be conducted in accordance with regulations made by the Senate.

(2) The Registrar shall discharge such duties in respect of examinations as may be delegated to him by the Senate.

#### PART 5

#### FINANCIAL PROVISIONS

##### **Financial year**

16. The financial year of the Politeknik Brunei shall begin on 1st April of each year and end on 31st March of the succeeding year.

##### **Preparation of estimates**

17. It shall be the duty of such officers of the Politeknik Brunei as may be directed by the Board to prepare for the consideration of the Director the estimates of income and expenditure of the Politeknik Brunei for each financial year.

##### **Estimates**

18. (1) The estimates of income and expenditure shall be in such form as the Board may direct and shall be presented by the Chairman to the Board and approved by the Board before the beginning of the financial year, except that the Chairman may present, and the Board may approve, supplementary estimates at any time.

(2) The annual and supplementary estimates shall be prepared in such form and shall contain such information as the Board may direct.

##### **Power of Board to accept gifts etc.**

19. (1) The Board may on behalf of the Politeknik Brunei accept by way of grant, gift, *waqaf*, testamentary disposition or otherwise, property and moneys in aid of the finances of the Politeknik Brunei on such conditions as it may determine.

(2) Records shall be kept of all donations to the Politeknik Brunei including the names of the donors and any special condition on which any donation may have been given.

#### **Gifts to Politeknik Brunei exempt from income tax**

20. The Politeknik Brunei is deemed to be a charitable institution for the purposes of section 10(1)(f) of the Income Tax Act (Chapter 35).

#### **Property given for specific purposes to be separately accounted for**

21. All property, moneys or funds given for any specific purpose shall be applied and administered in accordance with the purposes for which they may have been given and shall be separately accounted for.

### PART 6

#### STUDENT BODIES

#### **Students' Association, constituent bodies and student bodies**

22. The Students' Association, its constituent bodies and student bodies shall be governed and administered in accordance with the provisions prescribed by regulations approved by the Board.

### PART 7

#### GENERAL

#### **Convocation**

23. (1) A convocation for the conferment of diplomas, certificates and other academic distinctions shall be held annually, or as often as the Director may direct, on such date as may be approved by the Board.

(2) In the absence of the Director or the Deputy Director who is authorised for this purpose by the Director, the Registrar shall preside over the Convocation.

#### **Compulsory insurance**

24. Politeknik Brunei may require any person who attends any course or avails himself of any facility provided or approved by the Politeknik Brunei, to be insured against personal injuries and loss of life.

**Offence by body corporate**

25. Where an offence against the Act or any regulations made thereunder is committed by a body corporate and it is proved to have been committed with the consent or connivance of, or to be attributable to any act or default on the part of, any director, manager, secretary or other similar officer of the body corporate, or any person who was purporting to act in any such capacity, he, as well as the body corporate, is guilty of that offence and liable to be proceeded against and punished accordingly.



## SCHEDULE 2

(section 24)

## TRANSFER OF PROPERTY, STAFF ETC. TO POLITEKNIK BRUNEI

**Interpretation**

1. In this Schedule, “appointed date” means such date to be appointed by the Minister by notification published in the *Gazette*.

**Transfer to Politeknik Brunei of property, assets and liabilities**

2. (1) As from the date of commencement of the Act, all lands, buildings and other properties, movable or immovable, rights, interests, privileges, debts, obligations and liabilities vested in, belonging to or incurred by the Government as may be determined by the Minister, with the approval of His Majesty the Sultan and Yang Di-Pertuan, shall be transferred to and vest in the Politeknik Brunei without further assurance.

(2) The Minister shall have power to do all acts or things as he considers necessary or expedient for giving effect to and carrying out the provisions of sub-paragraph (1).

(3) If any question arises as to which property, movable or immovable, has been transferred to and vested in the Politeknik Brunei under sub-paragraph (1), a certificate under the hand of the Minister shall be conclusive evidence of the vesting of that property in the Politeknik Brunei.

**Existing contracts**

3. All deeds, bonds, agreements, instruments and working arrangements subsisting immediately before the commencement of the Act affecting the lands, buildings and other properties, movable or immovable, transferred under paragraph 2 or any employee of the Government transferred to the service of the Politeknik Brunei under paragraph 5 to which the Government is a party, shall be of full force and effect against or in favour of the Politeknik Brunei and enforceable as fully and effectually as if, instead of the Government, the Politeknik Brunei had been named therein or had been a party thereto.

**Pending proceedings**

4. Any proceedings or cause of action pending or existing immediately before the date of commencement of the Act by or against the Government in respect of the lands, buildings and other properties, movable or immovable, transferred under paragraph 2 and the rights, interest, obligations and liabilities in connection therewith or appertaining thereto may be continued and enforced by or against the Politeknik Brunei as it might have been by or against the Government as if the Act had not been made.

**Transfer of staff**

5. (1) On the appointed date —

(a) all persons who, immediately before that date, were members of the teaching staff of the Government shall become members of the teaching staff of the Politeknik Brunei; and

(b) all such other persons who, immediately before that date, were employed in any capacity by the Government shall become employees of the Politeknik Brunei,

on terms no less favourable than those enjoyed by them immediately prior to their transfer to the service of the Politeknik Brunei.

(2) Until such time as schemes and terms and conditions of service are drawn up by Politeknik Brunei, every persons referred to in sub-paragraph (1), shall hold office or continue to hold office upon the same terms and conditions as governed by his appointment immediately before the appointed day; and the person's service as a member of the teaching staff or employee of the Government shall be regarded as service as a member of the teaching staff or employee of the Politeknik Brunei.

(3) Where any person who is transferred to the service of the Politeknik Brunei under sub-paragraph (1) is a contributor under the Employee Trust Act (Chapter 167), he shall for the purposes of that Act, continue to make contributions under that Act as if he had not been transferred to the service of the Politeknik Brunei; and for the purposes of that Act, his service with the Politeknik Brunei is deemed to be service with the Government and the Politeknik Brunei shall have the right to make deductions from the salary of that person to be paid as contributions under that Act.

(4) Notwithstanding the provisions of the Pensions Act (Chapter 38), any person who —

(a) prior to the appointed day was a public servant;

(b) under the terms and conditions of his transfer to the Politeknik Brunei from the Government is entitled to certain benefits under the Pensions Act (Chapter 38); and

(c) is transferred to the service of the Politeknik Brunei under sub-paragraph (1),

shall be entitled to those benefits.

**Continuation and completion of disciplinary proceedings**

6. (1) Where on the appointed date, any disciplinary proceedings against any person transferred to the service of the Politeknik Brunei under paragraph 5 were pending before the relevant Government authority, the proceedings against the person shall be taken up and continued under and in conformity with the provisions of the Act so far as consistently may be; but where on that date any matter was in the course of being heard or investigated by such authority or had been heard or investigated by that authority, but no order or decision had been made thereon, that authority shall continue to exist, notwithstanding the Act, for the purpose of completing the hearing or investigation and the making of an order or decision, as the case may be.

(2) For the purposes of completing a hearing or investigation before it, or making an order or rendering a decision on a matter heard or investigated before the appointed date, the relevant Government authority shall complete the hearing or investigation in accordance with the power vested in that authority immediately before that date and make such order, ruling or direction as the authority could have made under the authority vested in it immediately before that date.

(3) Any order, ruling or direction made or given by the relevant Government authority pursuant to this paragraph shall be entered as an order, ruling or direction of the Politeknik Brunei and shall have the same force or effect as if it had been made or given by the Politeknik Brunei pursuant to the authority vested in the Politeknik Brunei under the Act.

**Students**

7. Every person who becomes a student under such Government educational institutions as the Minister may determine before the commencement date of the Act, shall be transferred to the Politeknik Brunei on terms no less favourable than those enjoyed by them immediately prior to their transfer.

**Maintenance of schools**

8. Any school established and maintained by the Government immediately before the date of commencement shall continue and be maintained by the Politeknik Brunei as if the Act had been in force when it was so established.

**Students' bodies**

9. The students' bodies as constituted and in existence immediately before the date of commencement of the Act shall on such date be deemed to be duly constituted under the Societies Act (Chapter 203) and all persons who immediately before that date were members of the students' bodies shall on such date be deemed to have become members of the Politeknik Brunei student's bodies.

